

REMARKS

Claims 1-20, 34-50 and 62-77 were previously pending in this application. Claims 1, 14, 34, 45, 62 and 72 are amended herein. As a result, claims 1-20, 34-50 and 62-77 remain pending for examination, with claims 1, 14, 34, 45, 62 and 72 being independent. No new matter has been added.

The Applicants thank Examiners Willett and Colter for their courtesies in granting and conducting a telephone interview on March 3, 2004. The substance of that interview is summarized below. Applicants continue to believe the claims patentably distinguish over the prior art of record for the reasons set forth in the prior Amendment of August 27, 2003, which is incorporated herein by reference. Applicants requested the telephone interview to see whether agreement could be reached, or whether an appeal would be necessary.

1. Clarifying An "Identifier"

During the interview, Examiner Willett indicated an appreciation for patentable aspects of Applicant's inventions, but expressed concern over the breadth of the claims. In particular, the Examiner indicated that the reference in each of the independent claims to the use by the operating system of at least one identifier to enable access by a host computer to at least one computer system resource was quite broad, and could include any number of components of information used by an operating system when communicating with a resource (e.g., aspects of a communication protocol for communicating with a resource). It was agreed that clarifying the nature of the identifier used by the operating system might assist in distinguishing over the art of record.

In view of the foregoing, each of the independent claims has been amended to clarify that the identifier identifies the at least one computer system resource.

2. Clarifying the Act of Determining

During the interview, it was also discussed how Cannon was believed to meet the limitation of independent claims 1, 34 and 62 which recites an act of determining a second identifier used by an operating system in a second manner of accessing at least one computer system resource by a host. Examiner Willett pointed out that Cannon discloses a managed unit

retrieving an updated operating parameter from a central configuration manager (or receiving an updated parameter from the configuration manager), and alleged that the managed unit thereby “determines” the updated parameter.

While Applicants continue to believe that the parameters received by the managed unit in Cannon are not identifiers used by the operating system to identify a resource, claims 1, 34 and 62 have been amended to clarify the act of determining to further distinguish over Cannon. Specifically, as amended, these claims recite that the act of determining the second identifier comprises using at least one component of information that uniquely identifies the at least one computer system resource in a manner that is independent of the second configuration. Support for this amendment can be found, for example, in the specification at page 14, lines 6-8.

This portion of the specification explains that in one embodiment, information relating to a resource (e.g., a logical volume in the example described) can be obtained by querying the resource itself to determine information that identifies the resource in a manner that is independent of any physical configuration (e.g., storage system and system device identifiers described at page 14 and shown in FIG. 4). This information can, in accordance with one embodiment, be used to determine the identifier used by the operating system for accessing the resource in the new configuration. (See e.g., Specification, page 15, line 19 – page 16, line 9).

It should be appreciated that the amendment to claims 1, 34 and 62 relating to the manner of determining the second identifier used by the operating system clearly distinguishes over Cannon, even under the interpretation adopted by the Examiner. Specifically, during the interview Applicants pointed out that Cannon discloses only comparing reference and operating characteristics based on a version code, and when the codes do not match, replacing the operating characteristics with the reference characteristics. Thus, Applicants argued that even if the operating characteristics related to manners of accessing a resource, Cannon does not determine a second manner of accessing the computer system resource, but rather changes the second manner of accessing the resource in a predetermined way. During the telephone interview, the Examiner indicated that although the central configuration manager might not be considered to “determine” the new operating characteristics as they were predefined, the technique of downloading that information to the managed units might arguably be considered to constitute the managed units “determining” the information.

Under the interpretation that the Examiner espoused, the new operating characteristic that the central unit downloads to the managed unit purportedly corresponds to the second identifier that is used by the operating system to access a resource in the second configuration. However, claim 1 has been amended to require that the act of determining that identifier comprises using information that uniquely identifies the resource in a manner that is independent of the second configuration. This is simply not the case under the interpretation of Cannon that the Examiner espouses, as the operating characteristic itself cannot be read to correspond to the limitations in claim 1 that both include a second identifier that identifies a resource in the second configuration, as well as another component of information that identifies the resource in a manner independent of the second configuration.

In view of the foregoing, it is respectfully asserted that each of claims 1, 34 and 62, as well as the claims that depend therefrom, patentably distinguish over the prior art of record for this additional reason.

3. No New Search is Necessitated by The Amendments Made Herein

During the telephone interview, the Examiner indicated that if significant substantial amendments were made to the claims, a new search might be necessary. Applicants respectfully assert that that is not the case in view of the amendments made herein, and that in view of the lengthy prosecution to date, closure should be reached between the Examiner and the Applicants as to whether agreement can be reached as to the patentable nature of the subject matter recited in the claims, or whether an appeal would be necessary.

Specifically, it is respectfully asserted that amending the claims to clarify that an identifier used by the operating system to access a resource identifies the resource does not substantially alter the scope of the claim.

In addition, the reference to the act of determining including using information that uniquely identifies the resource in a manner independent of the configuration of the computer system is closely related to subject matter already recited in certain dependent claims (see e.g., claims 7, 38 and 65).

4. Response to The Examiner's Interview Summary

In a paper mailed March 5, 2004, the Examiner provided comments relating to the telephone interview of March 3, 2004. As mentioned above, Applicant has summarized the substance of the telephone interview herein. To the extent that anything in the Examiner's summary differs from the summary provided above, Applicant would respectfully disagree with the Examiner's characterization of Applicant's position.

For example, the summary states "Second, the representative argued claim 1 determines what the second identifier is and this reads on the managed unit or configuration manager looking up the changed ID or obtaining the second identifier from the process that notified the configuratin (sic) manager to change or that a changed ID should be used." As mentioned in Applicant's summary above, Applicant did argue that the portions of Cannon relied upon by the Examiner do not teach determining the second identifier used by the operating system. The above-quoted sentence in the Examiner's summary is a bit ambiguous, but it appears that the Examiner is indicating that it was his position (not Applicant's) that the act of determining reads upon certain components of Cannon. Applicant would like to make clear for the record that Applicant argued that the act of determining is a distinguishing feature of claim 1 over Cannon.

Finally, in the last two sentences of the summary, the Examiner characterizes some additional arguments that Applicant purportedly made. Applicant respectfully points out that the summary is a bit confusing, such that Applicant honestly cannot discern from it any argument that Applicant made, or the Examiner's response thereto. Thus, Applicant cannot agree that the last two sentences in the summary accurately characterize the nature of any discussions during the telephone interview, and again relies upon the summary provided herein as accurately summarizing all of the substantive discussions during the telephone interview.

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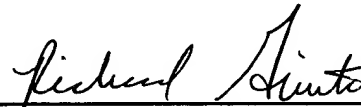
Art Unit: 2141

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Steven M. Blumenau et al., Applicants

By: 
Richard F. Giunta, Reg. No. 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

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